

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|---------------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 22-CR-00152-CG |
| |) | |
| DAVID LEE JONES |) | |

FINAL ORDER OF FORFEITURE

This matter is before the Court upon the United States' Motion for a Final Order of Forfeiture for the following property:

A Smith & Wesson, Model Bodyguard, .380 caliber pistol

bearing serial number KFE5008; and

Six (6) rounds of .380 caliber ammunition

The Court finds that the motion is due to be **GRANTED**, for the reasons set forth therein and as set out below:

On November 7, 2022, the United States filed a motion for preliminary order of forfeiture for the firearm and ammunition. (Doc. 28, PageID.76-80). In that motion, the United States established the defendant's interest in the property and the nexus between the property and the defendant's conviction on Count One of the Indictment. On November 8, 2022, pursuant to 18 U.S.C. § 924(d), Title 28 U.S.C. § 2461(c) and *Fed. R. Crim. P. 32.2(b)*, the Court entered a preliminary order of forfeiture for the firearm and ammunition. (Doc. 29, PageID.84-87)

In accordance with the provisions of 21 U.S.C. § 853(n) and *Fed. R. Crim. P. 32.2(b)(6)*, the United States published notice of the forfeiture, and of its intent to dispose of the firearm and ammunition, on the official government website, www.forfeiture.gov, beginning on November 15, 2022, and ending on December 14, 2022. (Doc.42, PageID.140-144). The publication gave notice to all third parties with a legal interest in the property to file with the Clerk of the Court, 155 St. Joseph Street, Mobile, AL 36602, and a copy served upon Assistant United States Attorney Gina S. Vann, 63 South Royal Street, Suite 600, Mobile, AL 36602, a petition to adjudicate their interest within 60 days of the first date of publication. No third party filed a petition or claimed an interest in the property, and the time for filing any such petition has expired.

Further, pursuant to *Fed. R. Crim. P. 32.2(b)(4)(A)*, forfeiture of the firearm and ammunition became final as to the defendant, David Lee Jones, at the time of sentencing and was made a part of the sentence and included in the judgment. (Doc. 40, PageID.135)

Thus, the United States has met all statutory requirements for the forfeiture of the firearm and ammunition, and it is appropriate for the Court to enter a final order of forfeiture.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is hereby **ORDERED**, **ADJUDGED and DECREED** that for good cause shown, the United States'

motion is **GRANTED**. Under 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) and *Fed. R. Crim. P. 32.2(c)(2)*, all right, title, and interest in the firearm and ammunition is **CONDEMNED, FORFEITED and VESTED** in the United States for disposition according to law; and,

IT IS FURTHER ORDERED that the Bureau of Alcohol, Tobacco, Firearms and Explosives or other duly authorized federal agency take the firearm and ammunition into its secure custody and control for disposition according to law; and,

IT IS FURTHER ORDERED that pursuant to 21 U.S.C. § 853(n)(7), the United States of America has clear title to the firearm and ammunition and may warrant good title to any subsequent purchaser or transferee; and,

IT IS FURTHER ORDERED that the Bureau of Alcohol, Tobacco, Firearms and Explosives or other duly authorized federal agency is hereby authorized to dispose of the firearm and ammunition in accordance with the law; and,

IT IS FURTHER ORDERED that the Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

DONE AND ORDERED this 5th day of April, 2023.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE